

Remarks

Reconsideration of the application is requested in view of the amendments above and comments which follow.

In order to ease consideration of the claims as set forth above, following is a claim chart identifying the new claims and their respective former claims, as well as the status of each of the claims:

New	Former	Status
128	91+97	amended
129	92	unchanged
	93	cancelled
	94	cancelled
130	95	withdrawn
131	96	withdrawn
	97	cancelled
132	98	withdrawn and amended
133	99	amended
134	100	amended
135	101	withdrawn
136	102	unchanged
137	103	amended
138	104	amended
139	105	amended
140	106	amended
141	107	amended
142	108	amended
143	109	amended
144	110	amended
145	111	withdrawn
146	112	unchanged
147	113	amended
148	114	amended
149	115	withdrawn
150	116	withdrawn
151	117	unchanged
152	118	amended
153	119	amended
154	120	amended
155	121	unchanged
156	122	unchanged
157	123	unchanged
158	124	amended
159	125	amended

<u>New</u>	<u>Former</u>	<u>Status</u>
160	126	amended
161	127	amended
162		new

The status of the claims should be clear from the status column above. New claims 128 is a combination of former claims 91 and 97, while those claims previously withdrawn remain unchanged other than dependency on claim 128 rather than former claim 91, and except for claim 132. The remaining claims, which correspond to the claims examined by the Examiner, have either been amended to conform to new claim 128, or are unchanged from their former form, other than the proper dependency on claim 128.

New claim 128 corresponds to a combination of old claims 91 and 97. Claim 97 is identified as relating to allowable subject matter in Section 15 of the Office Action, and thus claim 128 is believed to be allowable, as well.

A further amendment has been made to the wording incorporated from claim 97 to emphasize that the underside of the deformable member becomes deformed in order to accommodate the thickness of the article.

This feature is present in several of the embodiments disclosed in the application as originally filed. For example, original claims 26 to 28 of the international application disclosed that the deformable means may be in the form of:

- A. A block of resiliently deformable material;
- B. A dished plate of spring steel or the like;
- C. One or more fingers of spring steel or the like, having lateral stiffness and being adapted to reflect resiliently in an upward direction relative to the blades; and
- D. One or more fingers of spring steel bent so as to point downwardly to engage the upper surface of the article, which can be more or less flattened by an upward force, so as to accommodate the thickness of the article.

An embodiment of implementations C. and D. is depicted in Figure 4 of the application and this figure is described in the third and fourth paragraphs on page 21 of the international publication. In each of the implementations A. to D., it is evident that the underside of the deformable member is deformed upon engagement of the deformable member with the upper surface of the article.

The examined dependent claims have been amended as appropriate to be consistent with the changes in claim 128.

With a view to avoiding "means-plus-function" elements in the claims, the term "drive means" has been amended to "drive mechanism", the term "article engaging means" has been replaced by "article engaging arrangement" and the terms "camera means" and "sensor means" have been replaced in claim 163 (formerly 127) by "camera" and "sensor", respectively.

Furthermore, the claims have been amended to address the objections and § 112 rejections raised in Sections 5 to 10 of the Office Action.

A method claim has been added as new claim 164. It closely follows the wording of amended claim 128. For the reasons that claim 128 (former 91 and 97) is allowable, claim 164 is submitted to be allowable.

Arguments in support of the amended claims

The tooling claimed in the present application improves the restraint of an article during its pickup, travel and release, leading to greater precision in the control of its location and orientation at its destination. This is in the context of picking up loose food portions of varying shapes and sizes from a conveyor belt, and the food portions may also be pressure-sensitive and easily damaged.

In accordance with the claimed invention, a resiliently deformable member engages the article before the blades move between it and the supporting surface. The underside of the deformable member engages the upper surface of the article and becomes deformed in order to accommodate it. The resilient nature of the deformable member exerts a biasing force onto the article while accommodating articles of different thicknesses.

As the underside of the deformable member is deformed by the upper surface of the article, this tends to increase the degree of conformity between the profile of the deformable member and the particular profile presented by each food portion. This improves its ability to restrain movement of the article as the blades move laterally beneath the article to pick it up. Furthermore, it will tend to increase the size of the contact area between the deformable member and the article and so reduce any risk of the deformable member damaging the article.

It is therefore submitted that the claims, as presented above, distinguish from the prior art and are allowable thereover. The Examiner's further and favorable reconsideration in that regard is urged.

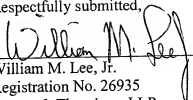
IDS

An IDS is also submitted herewith to bring to the attention of the Examiner prior art that has been raised in a European opposition in the corresponding European application. Translations of three of the documents are also submitted, and DE 3718601 is the equivalent of US 4,911,608 that is also identified.

Further action on the application is now awaited.

July 8, 2010

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "William M. Lee, Jr.", is written over a horizontal line.

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